

City Hall
80 Broad Street
January 10, 2017
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Wagner

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation Recognizing the W. K. Kellogg Foundation's National Day of Racial Healing *(To be placed on Councilmembers' desks)*
2. Recognition of the 2016 Mayor Pro Tem
3. 2017 City Council Committees and Mayor Pro Tem Appointments *(To be placed on Councilmembers' desks)*

E. Public Hearings

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. December 20, 2016

H. Citizens Participation Period

I. Petitions and Communications:

1. Boards and Commissions Appointments and Reappointments *(To be sent under separate cover)*
 - a. Board of Appeals Under the International Building Code
 - b. Board of Zoning Appeals (Zoning)
 - c. Municipal Golf Course Commission
 - d. Tourism Commission

J. Council Committee Reports:

1. License Committee: (Meeting was held on Tuesday, January 10, 2017 at 3:00 p.m.)

a. An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

Give first reading to the following bill coming from the License Committee:

An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

2. Committee on Traffic and Transportation: (Meeting was held on Tuesday, January 10, 2017 at 3:30 p.m.)

a.) Approval of Raised Crosswalks (INFORMATION ONLY)

West Ashley Greenway Improvement Project:

- Arlington Drive
- Croghan Landing Drive
- Mutual Drive
- Parkdale Drive
- Stinson Drive

3. Committee on Public Works and Utilities: (Meeting was held on Tuesday, January 10, 2017 at 4:00 p.m.)

a.) Acceptance and Dedication of Rights-of-Way and Easements:

Carolina Bay Phase 21A - Acceptance and dedication of Bethel Way (50-foot right-of-way) and a portion of Conservancy Lane (50-foot right-of-way. Sidewalk and asphalt lift are bonded.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Plat
- Exclusive Storm Water Drainage Easements

b.) Requests for Permanent Encroachments:

880 Island Park Drive, Daniel Island Square Phase 1, Daniel Island Performing Arts Center Multi-Use Development – installing roof overhangs, canopies, handrails, and signage band encroaching into right-of-way.

4. Committee on Ways and Means:

(Police Department: Approval to submit the FY17 State Justice Assistance Grant (JAG) application for Forensic photographic training, equipment, and supplies for \$32,557. A cash match of \$3,257 is required. This will be budgeted for in 2018.

(Planning: Approval to establish a contract in the amount of \$493,800 for the West Ashley Master Plan with Dover, Kohl & Partners, 1571 Sunset Drive, Coral Gables, FL 33143; Solicitation #16-P026C.

(An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

(Consider the following annexations:

-- 1648 Folly Road and 1614 Grimball Road Extension (TMS# 427-00-00-022; and 427-00-00-021) 1.86 acres, James Island (District 6)

-- 1991 Holliday Street (TMS# 355-15-00-101) 0.20 acre, West Ashley (District 2)

Give first reading to the following bills coming from Ways and Means:

An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

An ordinance to provide for the annexation of property known as 1648 Folly Road and 1614 Grimball Road Extension (1.86 acre) (TMS# 427-00-00-022; and 427-00-00-021), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6.

An ordinance to provide for the annexation of property known as 1991 Holliday Street (0.20 acre) (TMS# 355-15-00-101), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Sabrina A. Perkins.

K. Bills up for Second Reading:

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Bees Ferry Road (West Ashley) (12.494 acres) (TMS #301-00-00-541) (Council District 5), be rezoned from General Office (GO) and Single-Family Residential (SR-2) classifications to Business Park (BP) classification. The property is owned by Bees Resources LP.*

2. *An ordinance authorizing the Mayor to execute the necessary documents on behalf of the City of Charleston as set forth in the Settlement Agreement and Release between the City of Charleston and Ct/St. John's Marina, LLC ("Marina"), which is attached hereto and incorporated herein as Exhibit 1 pertaining to the payment of \$25,000 to the Marina by the City and the transfer by the City of Charleston to the Marina of all rights, title and interest in*

the bridge and certain land underneath the bridge by Quit-Claim Deed, said property being located off of Old Maybank Highway, on John's Island, South Carolina.

3. An ordinance to amend the Code of The City of Charleston, South Carolina, Chapter 19, Section 19-277(9) to extend the boundaries of the Eastside Neighborhood Residential Parking Permit Boundary to include additional portions of Sheppard, Line, Columbus, Woolfe, Reid, Amherst, Chapel, and South Streets within the Eastside Neighborhood Designated Residential Parking Permit District. (DEFERRED)

4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Ashley Hall Plantation Road (West Ashley) (approximately 44.59 acres) (TMS #353-00-00-003 and 353-00-00-004) (Council District 2), be zoned to Single-Family Residential (SR-1) classification and Landmark Overlay Zone (LMK) on a portion of the property. The property is owned by the Estate of Rosina Kennerty Siegnious. (DEFERRED FOR PUBLIC HEARING)

5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 194 Cannon Street and 221 Spring Street (including the adjacent rights-of-way of Spring Street, Vaughn Street and Cannon Street) (Peninsula) (approximately 2.75 acres) (TMS #460-10-04-013 and 460-10-04-011) (Council District 6), be rezoned from the 50/25 Old City Height District Overlay classification to the 85/125 Old City Height District Overlay classification. The property is owned by Jem Management Co and Calfran Properties. (DEFERRED FOR PUBLIC HEARING)

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 221 Spring Street & 194 Cannon Street (Peninsula) (approximately 1.58 acres) (TMS# 460-10-04-011 and 460-10-04-013) (Council District 6), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by Jem Management Co and Calfran properties. (DEFERRED)

7. An ordinance to provide for the annexation of property known as 2947 Maybank Hwy (2.97 acres) (TMS# 313-00-00-088), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Oak Family Properties LLC. (DEFERRED)

8. An ordinance to provide for the annexation of property known as property located on Ashley Hall Plantation Road (44.59 acres) (TMS# 353-00-00-003 and 353-00-00-004), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by the Estate of Rosina Kennerty Siegnious. (DEFERRED)

9. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-208.1 Bed and Breakfasts not located within the Old and Historic District, to clarify where Bed and Breakfasts are permitted in areas

outside the Old and Historic District. (DEFERRED FOR PUBLIC HEARING)

10. An ordinance to amend the Old and Historic District and Old City District Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definition of structure, to provide definitions for height, scale, mass and immediate surroundings, immediate surrounding area and neighborhood, to clarify the authority of the Board of Architectural Review as it pertains to its review of height, scale and mass of new construction to achieve compatibility and proper form and proportion between new structures and those in its immediate surroundings, and to codify certain policy statements for the use in evaluation applications. (DEFERRED FOR PUBLIC HEARING)

L. Bills up for First Reading

1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1648 Folly Road and 1614 Grimball Road Extension (James Island) (1.86 acres) (TMS #427-00-00-022 and 427-00-00-021) (Council District 6), be zoned Limited Business (LB) classification.
2. An ordinance to amend Chapter 20, Article I, Section 20-4(a) of the Code of the City of Charleston to provide that City Council shall elect the Chief Judge and the Administrative Judge of the Municipal Court to serve for a term of four (4) years or until his or her successor is elected and qualified; and shall elect the other Municipal Judges to serve for a term of two (2) years or until his or her successor is elected and qualified.
3. An ordinance to amend the Code of the City of Charleston by repealing Sec. 2-152 and substituting in its place and stead a new Sec. 2-152 so as to establish the commencement date of terms and staggered terms for various Boards and Commissions in the City.
4. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing District and Mixed Use 2 - Workforce Housing District.
5. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Part 12 – Gathering Place to change district name and specific details within, by amending Article 2, Part 3, Table of Permitted Uses to change district name, by amending Sec. 54-301, Table 3.1: Height, Area and Setback Regulations adding a new row, by amending Sec. 54-201, Base Zoning Districts to change district name, by amending Article 2, Part 11, Sec. 54-268 designation of Design Review District, Review Authority, Scope of Authority and Exemptions to change district name, by amending Article 3, Part 8, Sec. 54-347 landscape buffer requirements to change district name. *(TO BE WITHDRAWN)*
6. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning

Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; prohibit an overconcentration of accommodations units within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map; amend revised Subsection B. 1. (g) by deleting wording regarding pedestrian activity and transit system usage and inserting language regarding the location and design of guest drop off and pick up areas; and amend revised Subsection B. 1. (h) 15 to require additional information on parking and public transit provisions for employees **(AS AMENDED)** *(DEFERRED)*

7. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located off North Westchester Road (West Ashley) (2.225 acres) (TMS #309-15-00-070) (Council District 7), be rezoned from Light Industrial (LI) classification to General Business (GB) classification. *(DEFERRED)*.
8. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 61 Cannon Street (Cannonborough-Elliottborough - Peninsula) (0.38 acre) (TMS #460-12-01-008) (Council District 4), be rezoned from Limited Business (LB) classification to Mixed-Use Workforce Housing (MU-1/WH) classification. ***(Planning Commission recommends disapproval; requires ¾ vote of Council.) (DEFERRED)***
9. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Section 115 to provide regulations for the operation of unmanned aerial vehicles. *(DEFERRED)*

M. Miscellaneous Business:

1. The next regular meeting of City Council will be January 24, 2017 at 5:00 p.m. at Charles Towne Landing, 1500 Old Towne Road.

17a.)



Ratification
Number _____

AN ORDINANCE

AN ORDINANCE TO AMEND THE BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON TO REINSERT THE LONGSTANDING BUSINESS LICENSE EXEMPTION FOR OWNERS OF FOUR OR FEWER RESIDENTIAL DWELLING UNITS THAT WAS INADVERTENTLY LEFT OUT WHEN THE CITY CHANGED OVER FROM USING THE SIC CODE SYSTEM TO THE NAICS CODE SYSTEM.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Section 24 of the Business License Ordinance of the City of Charleston is hereby amended by adding thereto the following underlined words, which shall read as shown on Exhibit A attached heretofore and incorporated fully herein as if same were fully written.

Section 2. This Ordinance shall become upon ratification.

Ratified in City Council this ____ day of _____, in
the Year of Our Lord, 2017, and in the _____ Year of the
Independence of the United States of America.

BY: _____
John T. Teckienburg
Mayor, City of Charleston

ATTEST:

BY: _____
Vanessa Turner Maybank
Clerk of Council

City of Charleston Business License 2017 Rate Classification Index

Sec. 24

NAICS Code

Industry Sector

RATE CLASS 1

22	Utilities
313	Textile and textile product mills
321	Wood products
331	Primary metal industries
42	Wholesale trade
441	Motor vehicle and parts dealers
443	Electronic and appliance stores
445	Food and beverage stores
447	Gasoline stations
451	Sporting goods, hobby, book, and music stores
452	General merchandise stores
454	Nonstore retailers
623	Nursing and Residential Care Facility
721	Accommodation

RATE CLASS 2

11	Agriculture, forestry, hunting and fishing
311	Food manufacturing
315	Apparel
316	Leather and allied products
322	Paper products
323	Printing and related support activities
324	Petroleum and coal products
327	Nonmetallic mineral products
332	Fabricated metal products
333	Machinery
335	Electrical equipment, appliances, and components

336	Transportation equipment
337	Furniture and related products
442	Furniture and home furnishing stores
444	Building material and garden equipment and supplies dealers
446	Health and personal care stores
448	Clothing and accessories stores
453	Miscellaneous store retailers
48	Transportation, except rail
493	Warehousing and storage facilities
524	Insurance agents, brokers, and related activities
532	Rental and leasing services
562	Waste management and remediation services
722	Food services and drinking places
811	Repair and maintenance
8111	Auto repair and maintenance

RATE CLASS 3

325	Chemical manufacturing
339	Other miscellaneous manufacturing
51	Information
512	Motion picture and sound recording
515	Broadcasting (except internet) and telecommunications
517	Telecommunications
56	Administrative and support and waste management and remediation services
561	Administrative and support services
71	Arts, entertainment, and recreation
712	Museums, Historical Sites and similar institutions

RATE CLASS 4

334	Computer and electronic products
511	Publishing industries (except 511210)
518	Internet service providers, web search portals, and data processing
62	Health care and social assistance

RATE CLASS 5

519	Other Information Services
522	Credit intermediation and related activities
53	Real estate and rental and leasing
54	Professional, scientific, and technical services
55	Management of companies
61	Educational services
812	Personal and laundry services
813	Religious, grantmaking, civic, professional, and similar organizations

RATE CLASS 6

21	Mining
531	Real estate

RATE CLASS 7

52	Finance and insurance
523	Securities, commodity contracts, and other financial investments
525	Funds, trusts and other financial vehicles
5311	Lessors of real estate (including mini warehouses and self storage)
<u>53110</u>	<u>Lessors of Residential Buildings and Dwellings (owners falling under this NAICS Code who have four or fewer dwelling units are exempt)</u>
5416-5419	Other professional, scientific, and technical services

RATE CLASS 8

23	Construction
4411	Automobile Dealers
4412	Other Motor Vehicle Dealers
482	Rail Transportation
5241	Insurance Carriers
52421	Insurance Brokers for non-admitted Insurance Carriers
7131	Amusement Parks and Arcades
7132	Nonpayout Amusement Machines

71399	All Other Amusement and Recreational Industries (pool tables)
72241	Drinking Places (Alcoholic Beverages) (After Midnight)
72551	Food Services (After Midnight)

BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2
21	Mining	6
2211	Electric Power Generation, Transmission and Distribution	8
2212	Natural Gas Distribution	8
22	Utilities	1
23	Construction	8
311	Food manufacturing	2
313	Textile and textile product mills	1
315	Apparel	2
316	Leather and allied products	2
321	Wood products	1
322	Paper products	2
323	Printing and related support activities	2
324	Petroleum and coal products	2
325	Chemical manufacturing	3
327	Nonmetallic mineral products	2
331	Primary metal industries	1
332	Fabricated metal products	2
333	Machinery	2
334	Computer and electronic products	4
335	Electrical equipment, appliances, and components	2
336	Transportation equipment	2
337	Furniture and related products	2
339	Other miscellaneous manufacturing	3
42	Wholesale trade	1
42393	Recyclable Material Merchant Wholesalers (Junk)	1
44-45	Retail trade (see type)	
441	Motor vehicle and parts dealers	1
4411	Automobile Dealers	8
4412	Other Motor Vehicle Dealers	8
442	Furniture and home furnishing stores	2
443	Electronic and appliance stores	1

444	Building material and garden equipment and supplies dealers	2
445	Food and beverage stores	1
446	Health and personal care stores	2
447	Gasoline stations	1
448	Clothing and accessories stores	2
451	Sporting goods, hobby, book, and music stores	1
452	General merchandise stores	1
453	Miscellaneous store retailers	2
454	Nonstore retailers	1
45439	Other Direct Selling Establishments (Peddlers)	1
48-49	Transportation and warehousing (see type)	
482	Rail Transportation	8
486	Pipeline transportation	2
493	Warehousing and storage facilities	2
51	Information	3
511	Publishing industries (except 511210)	4
512	Motion picture and sound recording	3
515	Broadcasting (except internet) and telecommunications	3
517	Telecommunications	3
51711	Cable, DSL, VoIP, etc.	8
518	Internet service providers, web search portals, and data processing	4
519	Other Information Services	5
52	Finance and insurance	7
522	Credit intermediation and related activities	5
523	Securities, commodity contracts, and other financial investments	7
524	Insurance agents, brokers, and related activities	2
5241	Insurance Carriers	8
52421	Insurance Brokers for non-admitted Insurance Carriers	8
525	Funds, trusts and other financial vehicles	7
53	Real estate and rental and leasing	5
531	Real estate	6
5311	Lessors of real estate (including mini warehouses and self storage)	7
532	Rental and leasing services	2
54	Professional, scientific, and technical services	5
5416-5419	Other professional, scientific, and technical services	7
55	Management of companies	5
56	Administrative and support and waste management and	3

	remediation services	
561	Administrative and support services	3
562	Waste management and remediation services	2
61	Educational services	5
62	Health care and social assistance	4
623	Nursing and Residential Care Facility	1
71	Arts, entertainment, and recreation	3
71119	Other Performing Arts Companies (Carnivals and Circuses)	3
712	Museums, Historical Sites and similar institutions	3
7131	Amusement Parks and Arcades	3
7132	Nonpayout Amusement Machines	8
71329	Bingo Halls	3
71399	All Other Amusement and Recreational Industries (pool tables)	3
721	Accommodation	1
722	Food services and drinking places	2
72241	Drinking Places (Alcoholic Beverages)	8
72251	Food Services (After Midnight)	8
811	Repair and maintenance	2
8111	Auto repair and maintenance	2
812	Personal and laundry services	5
813	Religious, grant making, civic, professional, and similar organizations	5
812	Personal and laundry services	5
813	Religious, grant making, civic, professional, and similar organizations	5

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that CENTEX HOMES, a Nevada
general partnership ("Grantor") in the state aforesaid, for and in consideration of the sum of
 ONE AND 00/100 DOLLAR (\$1.00), being the true consideration to it in hand paid at and before
 the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby
 acknowledged, has granted, bargained, sold and released, and by these presents does grant,
 bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and
 assigns, forever, the following described property which is granted, bargained, sold and released
 for the use of the public forever:

All of the property underneath, above, and containing those certain streets, roads, drives,
 and cul-de-sacs situate, lying and being in the City of Charleston, County of Charleston
 State of South Carolina, identified as (list street names) Carolina Bay Phase 21A
(Conservancy Lane and Bethel Way)

as shown and designated on a plat entitled FINAL PLAT SHOWING THE SUBDIVISION OF
TMS NO. 307-00-00-009 (34.225 AC) TO CREATE CAROLINA BAY PHASE 21A
CONTAINING 39 LOTS (7.045 AC), RIGHT OF WAYS (1.727 AC), H.O.A AREAS (8.979
AC) AND RESIDUAL TRACT (16.474 AC) PROPERTY OF CENTEX HOMES LOCATED IN
THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA."

prepared by HLA, Inc.,
 dated 08/29/2016, revised _____, and recorded on _____,
 in Plat Book _____ at Page _____ in the _____ Office for _____ County.
 Said property butting and bounding, measuring and containing, and having such courses and
 distances as are shown on said plat. Reference being had to the aforesaid plat for a full and
 complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantor herein by deed of the
The Charleston Company dated April 17, 2014 and recorded
April 22, 2014 in Book 0400 at Page 532 in the RMC Office for
Charleston County, South Carolina.

Grantee's Mailing Address:

City of Charleston
 Department of Public Service
 Engineering Division
 2 George Street
 Suite 2100
 Charleston, South Carolina 29401

Portion of TMS No.:

307-00-00-009

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 14 day of November 2016.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness Number One

Scott Utsey
Printed Name

[Signature]
Witness Number Two

SIDNEY DUDLEY
Printed Name

CENTEX HOMES a Nevada general partnership
Grantor

[Signature]
Signature of Grantor

Matthew Raines
Printed Name Its: Division Vice President

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Raines, the Division Vice President of CENTEX HOMES, a Nevada general partnership, on behalf of the Grantor on the 14 day of November, 2016.

Signature of Notary: Meagan Whitlow

Print Name of Notary: Meagan Whitlow

Notary Public for South Carolina

My Commission Expires: 09-14-2025

SEAL OF NOTARY

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON) AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

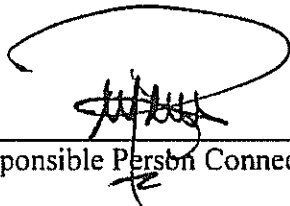
1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by CENTEX HOMES, a Nevada general partnership
to City of Charleston on _____.
3. Check one of the following: The deed is
 - (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) ☒ exempt from the deed recording fee because (See Information section of affidavit): conveyance to governmental entity (explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - (A) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
 - (B) _____ The fee is computed on the fair market value of the realty which is _____.
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.
5. Check YES _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is _____.
6. The deed recording fee is computed as follows:
 - (A) Place the amount listed in item 4 above here: _____
 - (B) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (C) Subtract Line 6(b) from Line 6(a) and place the result here: _____

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is _____.
8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as Division Vice President.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

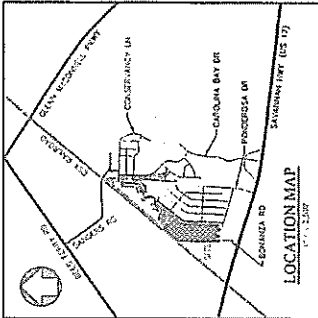


Responsible Person Connected with the Transaction

Matthew Raines, Division Vice President

Print or Type Name Here

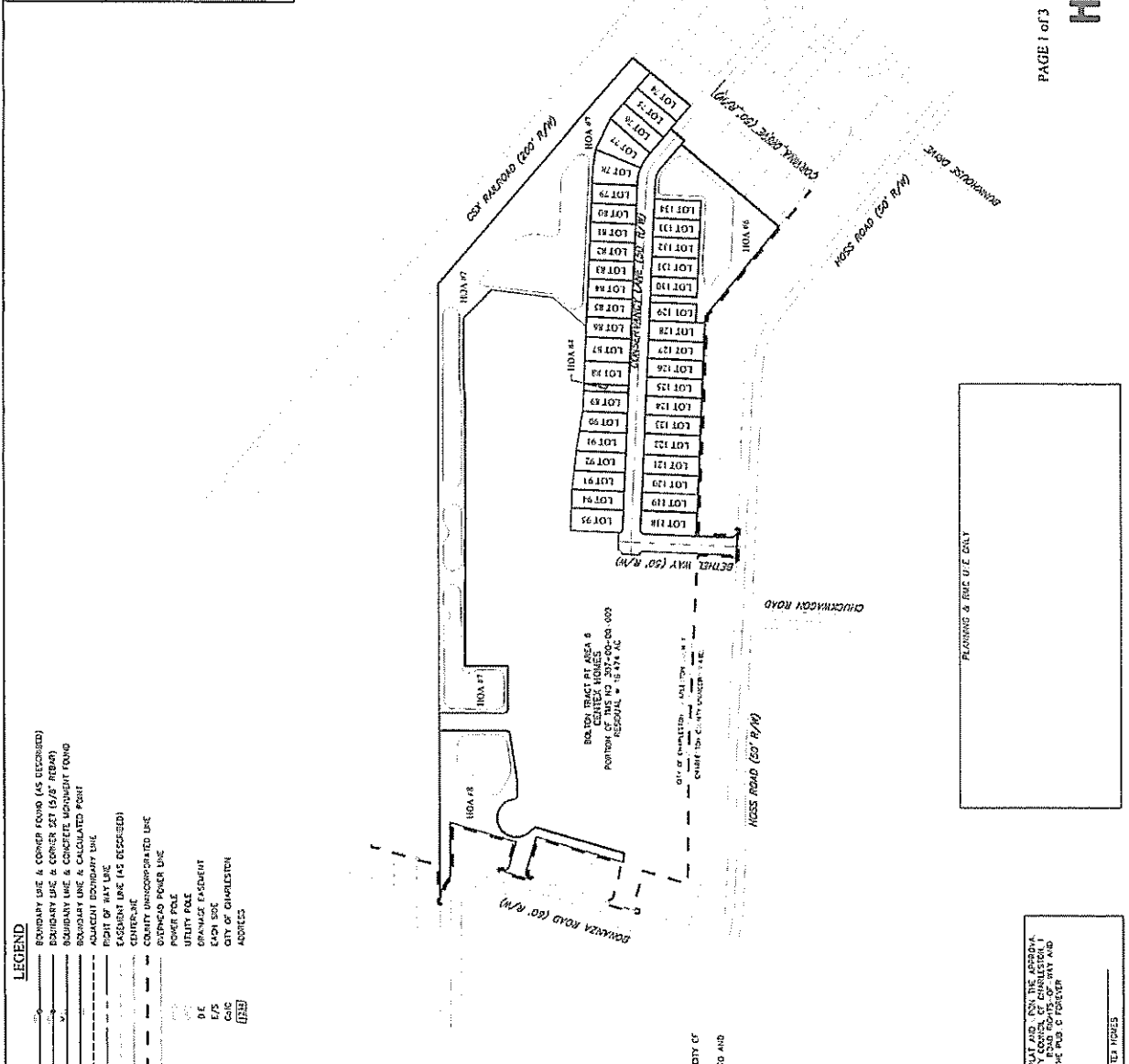
Sworn this 14 day of November 20 16
Meagan Whitlaw
Notary Public for South Carolina
My Commission Expires: 09-14-, 20 25



FINAL PLAT SHOWING
THE SUBDIVISION OF
TNS NO. 307-00-00-009 (34.215 AC)
TO CREATE
CAROLINA BAY PHASE 21A
CONTAINING 70 LOTS (0.015 AC),
RIGHT OF WAYS (1.121 AC),
HOA AREAS (8.979 AC) AND
RESIDUAL TRACT (16.474 AC)
CENTEX HOMES

LOCATED IN THE CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA
DATE: AUGUST 29, 2004 SCALE: 1"=40'
BY: J. H. HARRIS, L.S. 10000
FOR: CENTEX HOMES, INC.
22 Lombard Drive, At Charleston SC 29405-4881
Tel: 803.753.1148 Fax: 803.753.1999 Web: www.haine.com

HAINC



- LEGEND**
- BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
 - BOUNDARY LINE & CORNER SET (5/8" R/W)
 - BOUNDARY LINE & CONCRETE MONUMENT FOUND
 - BOUNDARY LINE & CALCULATED POINT
 - ADJACENT BOUNDARY LINE
 - CONCRETE
 - EXISTING LINE (AS DESCRIBED)
 - COUNTY UNINCORPORATED LINE
 - POWER POLE
 - UTILITY POLE
 - GRANITE EXHIBENT
 - E/C
 - C/C
 - ADJACENT

- REFERENCES**
1. TNS NO. 307-00-00-009
 2. PLAT BY ROBERT F. HARRIS, L.S. 10000, DATED JAN. 1954 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 3. PLAT BY ROBERT F. HARRIS, L.S. 10000, DATED JAN. 1954 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 4. PLAT BY E.M. SEABROOK, JR. DATED DECEMBER 16, 1958 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 5. PLAT BY E.M. SEABROOK, JR. DATED APR. 15, 1958 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 6. PLAT BY E.M. SEABROOK, JR. DATED APR. 15, 1958 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 7. PLAT BY E.M. SEABROOK, JR. DATED APR. 15, 1958 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 8. PLAT BY E.M. SEABROOK, JR. DATED APR. 15, 1958 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 9. PLAT BY FORSBERG ENGINEERING, INC. DATED MARCH 4, 1959 AND RECORDED IN PLAT BOOK 4, PAGE 156, CHARLESTON COUNTY R/W
 10. PLAT BY ROBERT FRANK, SURVEYOR, DATED SEPTEMBER 27, 2004 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W
 11. PLAT BY ROBERT FRANK, SURVEYOR, DATED SEPTEMBER 27, 2004 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W
 12. PLAT BY T.M. ELLER, L.S. 10000, DATED AUGUST 19, 2003 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W
 13. PLAT BY T.M. ELLER, L.S. 10000, DATED APRIL 23, 2003 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W
 14. PLAT BY T.M. ELLER, L.S. 10000, DATED APRIL 23, 2003 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W
 15. PLAT BY T.M. ELLER, L.S. 10000, DATED APRIL 23, 2003 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W
 16. PLAT BY H.A. INC., DATED SEPTEMBER 24, 2003 AND RECORDED IN PLAT BOOK 10, PAGE 156, CHARLESTON COUNTY R/W

- NOTES**
1. AREA DETERMINED BY THE COORDINATE METHOD
 2. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AS (EL. 11).
 3. AS SCALD FROM FLOOD RESISTANT WATER MAIN HOUSING 451550492.
 4. NO UNDERGROUND EXPOSURE PERFORMED FOR THIS SURVEY.
 5. ALL SET PINS ARE 5/8" REBAR.
 6. THE HOME OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL COMMON AREAS, ROADS, DRIVEWAYS, AND LANDSCAPE EXHIBENTS.
 7. WATER AND SEWER TO BE PROVIDED BY CHARLESTON WATER SYSTEM (CWS).
 8. NO FENCES OR OTHER STRUCTURES SHALL BE LOCATED WITHIN DRAINAGE EXHIBENTS ON WATER AND SEWER EXHIBENTS.
 9. 60' TEMPORARY CONSTRUCTION EXHIBENT SHALL BE MAINTAINED WITH THE RECONSTRUCTION OF EACH SUCCESSIVE PHASE.
 10. THE CITY OF CHARLESTON IS TO MAINTAIN THE EXHIBENT TO THE CITY OF CHARLESTON TO THE CITY OF CHARLESTON TO THE CITY OF CHARLESTON.
 11. THE PRIVATE DRAINAGE EXHIBENT SHALL BE COLOCATED TO THE HOA. FOR ACCESS TO AND MAINTENANCE OF THE DRAINAGE EXHIBENT WITHIN THE PRIVATE DRAINAGE EXHIBENTS.
 12. THE ACCESS EXHIBENT SHALL BE DEDICATED TO THE CITY OF CHARLESTON FOR ACCESS TO THE STORMWATER MANAGEMENT FACILITY.
 13. TOTAL LOTS = 33
 14. SHALLEST LOT = LOT 60 = 81' (6.676 ST)
 15. WIDEST LOT = LOT 10 = 101' (9.251 ST)



PROPERTY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MANN STANDARD FOR THE PRACTICE OF LAND SURVEYING BY THE STATE OF SOUTH CAROLINA, AND SURVEY AS SPECIFIED THEREIN. ALSO, I HAVE NO KNOWLEDGE OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD RENDER THE SURVEY UNRELIABLE OR INACCURATE.

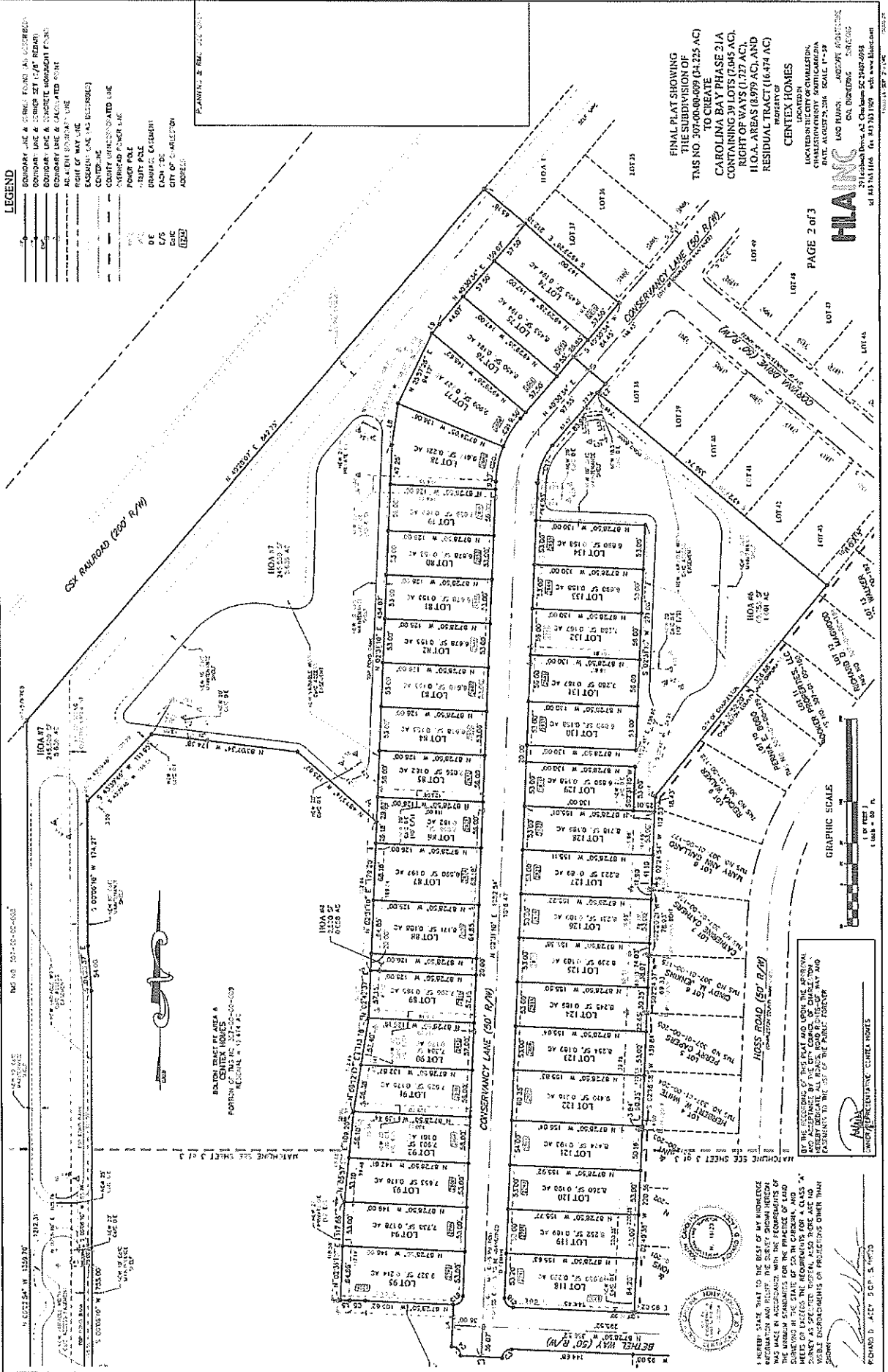
Robert F. Harris
ROBERT F. HARRIS, L.S. 10000

AND IN ACCORDANCE WITH THE CITY CODE OF CHARLESTON, I HEREBY DEDICATE ALL ROADS, ROAD RIGHTS-OF-WAY AND EXHIBENTS TO THE USE OF THE PUBLIC FOR FOREVER.

Robert F. Harris
ROBERT F. HARRIS, L.S. 10000

LEGEND

- BOUNDARY LINE & CORNER FOUND AND CORRECTION
- BOUNDARY LINE & CORNER SET (1" x 10" IRON)
- BOUNDARY LINE & CORNER MONUMENT FOUND
- BOUNDARY LINE & CALCULATED POINT
- ADJACENT BOUNDARY LINE
- RIGHT OF WAY LINE
- CONVEYANCE LINE (NO RECORD)
- CENTER LINE
- OVERHEAD POWER LINE
- POWER POLE
- 10' EASEMENT
- DE
- DRIVEWAY EASEMENT
- DRIVE
- CITY OF CHARLESTON
- ADDRESS



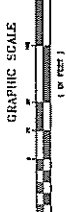
FINAL PLAT SHOWING
THE SUBDIVISION OF
THIS NO. 107-00-00-000 (31.225 AC)
TO CREATE
CAROLINA BAY PHASE 21A
CONTAINING 39 LOTS (7.845 AC)
RIGHT OF WAYS (1.717 AC)
H.O.A. AREAS (8.979 AC) AND
RESIDUAL TRACT (16.474 AC)
H.A. INC. ENGINEERS & ARCHITECTS

CENTER HOMES

LOCATED IN THE CITY OF CHARLESTON,
SOUTH CAROLINA
H.A. INC. ENGINEERS & ARCHITECTS
1015 BROADWAY, SUITE 100
CHARLESTON, SOUTH CAROLINA 29403
TEL: 771-1111 FAX: 771-1112
WWW.HAINC.COM

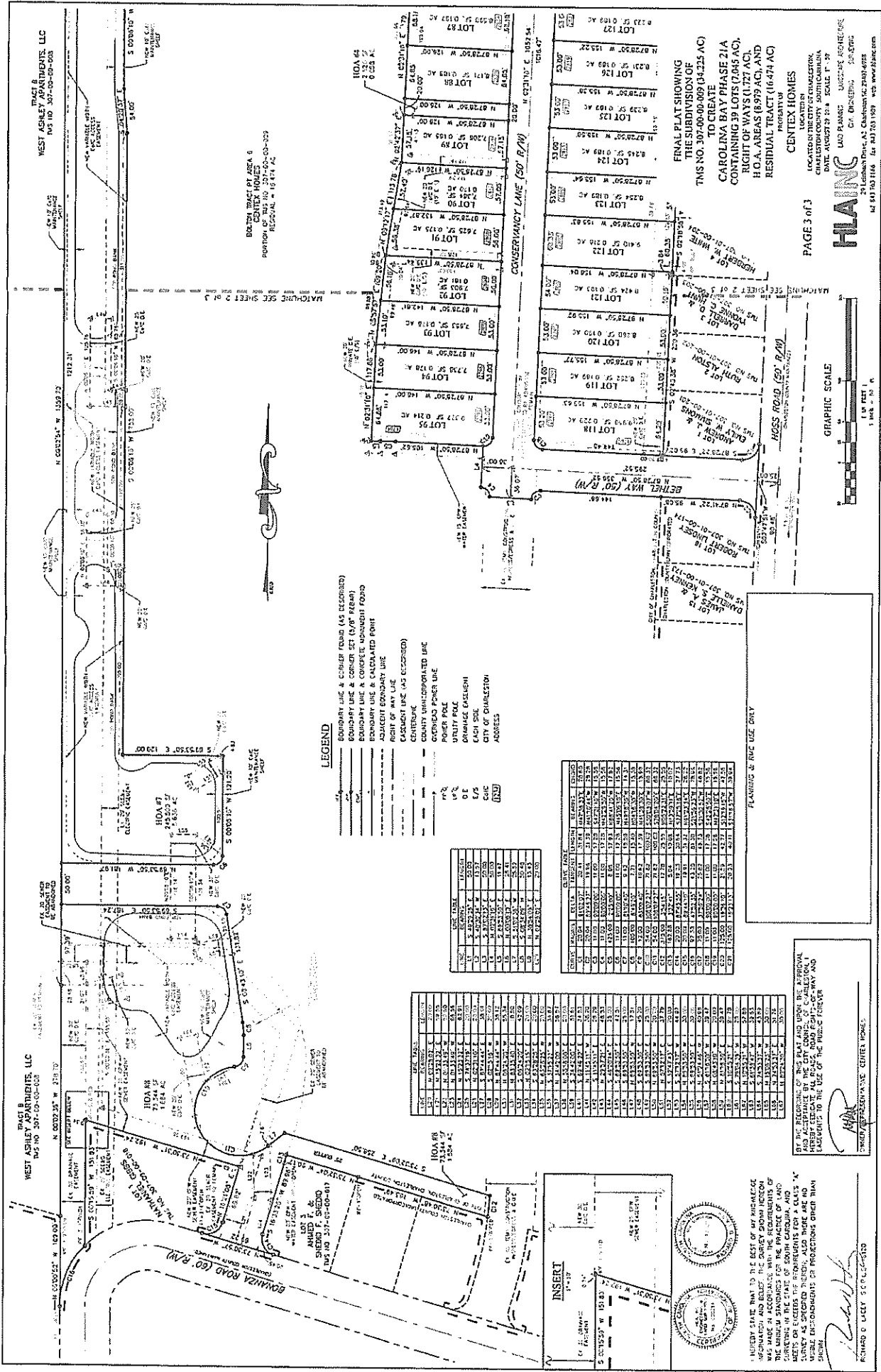
PAGE 2 of 3

H.A. INC.



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE
AND BELIEF, THE INFORMATION CONTAINED HEREIN
WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF
THE UNIFORM STANDARDS FOR THE PRACTICE OF LAND
SURVEYING IN THE STATE OF SOUTH CAROLINA, AND
I AM A LICENSED LAND SURVEYOR IN THE STATE OF SOUTH
CAROLINA AS SPECIFIED THEREIN. ALSO, THERE ARE NO
VISIBLE ENCUMBRANCES OR PROJECTIONS OTHER THAN
THOSE SHOWN ON THIS PLAT.

RECORDED IN THE CITY OF CHARLESTON, SOUTH CAROLINA
ON 10/10/2012 AT 10:00 AM
BOOK 107-00-00-000 PAGE 2 OF 3



TRACT B
WEST ASHLEY APARTMENTS, LLC
N/S NO 307-00-0008

TRACT B
WEST ASHLEY APARTMENTS, LLC
N/S NO 307-00-0008

BOLTON TRACT BY AREA 8
CONTEX HOMES
POSITION: 10/10/2019
RECORD: 10/11/2019

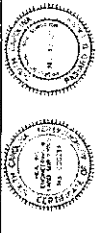
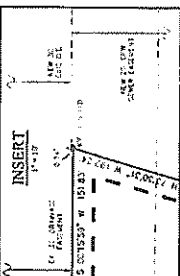
LEGEND

- BOUNDARY LINE & CORNER FOUND (AS DESCRIBED)
- BOUNDARY LINE & CORNER SET (5/0' REPAIR)
- BOUNDARY LINE & CORNER MONUMENT FOUND
- BOUNDARY LINE & CALCULATED POINT
- ADJACENT BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT
- EASEMENT LINE (AS DESCRIBED)
- EXISTING EASEMENT
- POWER POLE
- UTILITY POLE
- DRAINAGE EASEMENT
- EASEMENT
- CITY OF CHARLESTON
- ADDRESS

LINE	TABLE	AREA	PERCENT
1	1.0000	1.0000	100.00
2	1.0000	1.0000	100.00
3	1.0000	1.0000	100.00
4	1.0000	1.0000	100.00
5	1.0000	1.0000	100.00
6	1.0000	1.0000	100.00
7	1.0000	1.0000	100.00
8	1.0000	1.0000	100.00
9	1.0000	1.0000	100.00
10	1.0000	1.0000	100.00

LINE	TABLE	AREA	PERCENT
1	1.0000	1.0000	100.00
2	1.0000	1.0000	100.00
3	1.0000	1.0000	100.00
4	1.0000	1.0000	100.00
5	1.0000	1.0000	100.00
6	1.0000	1.0000	100.00
7	1.0000	1.0000	100.00
8	1.0000	1.0000	100.00
9	1.0000	1.0000	100.00
10	1.0000	1.0000	100.00

LINE	TABLE	AREA	PERCENT
1	1.0000	1.0000	100.00
2	1.0000	1.0000	100.00
3	1.0000	1.0000	100.00
4	1.0000	1.0000	100.00
5	1.0000	1.0000	100.00
6	1.0000	1.0000	100.00
7	1.0000	1.0000	100.00
8	1.0000	1.0000	100.00
9	1.0000	1.0000	100.00
10	1.0000	1.0000	100.00



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SURVEY AND INFORMATION WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEY STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA. I AM A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA. I HAVE NOT BEEN DISQUALIFIED OR EXCLUDED FROM THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA. I HAVE NOT BEEN EXCLUDED FROM THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA. I HAVE NOT BEEN EXCLUDED FROM THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA.

WEST ASHLEY APARTMENTS, LLC
N/S NO 307-00-0008

FINAL PLAT SHOWING
THE SUBDIVISION OF
TMS NO. 307-00-0009 (34.225 AC)
TO CREATE
CAROLINA BAY PHASE 21A
CONTAINING 39 LOTS (7.044 AC),
RIGHT OF WAYS (1.127 AC),
H.O.A. AREAS (8.979 AC), AND
RESIDUAL TRACT (16.474 AC)
PREPARED BY
CENTEX HOMES

LOCATION
LOCALITY: CHARLESTON, SOUTH CAROLINA
DATE: AUGUST 29, 2019
SCALE: 1" = 20'
DRAWN BY: J. L. LUCKY
CHECKED BY: J. L. LUCKY
DATE: AUGUST 29, 2019
SCALE: 1" = 20'
DRAWN BY: J. L. LUCKY
CHECKED BY: J. L. LUCKY
DATE: AUGUST 29, 2019
SCALE: 1" = 20'

HIA INC.



STATE OF SOUTH CAROLINA)
)
)
)
COUNTY OF CHARLESTON)
)
)
)

**EXCLUSIVE STORM
WATER DRAINAGE
EASEMENTS
CITY OF CHARLESTON**

This Agreement is made and entered into this _____ day of _____ 20____, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and CENTEX HOMES, a Nevada general partnership (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining storm water drainage ditches and appurtenances ("Storm Water System") across a portion of _____ property identified by and designated as Charleston County tax map number 307-00-00-009 and to accomplish this objective, the City must obtain certain easements from the Owner permitting the maintenance of the Storm Water System through the referenced portion of _____ the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it certain permanent and exclusive storm water drainage easements in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City of Charleston all of those certain New City of Charleston Drainage Easements (or D.E.) as such are identified on the above referenced portion of property and which are more fully shown on that certain plat entitled;

"FINAL PLAT SHOWING THE SUBDIVISION OF TMS NO. 307-00-00-009 (34.225 AC) TO CREATE CAROLINA BAY PHASE 21A CONTAINING 39 LOTS (7.045 AC), RIGHT OF WAYS (1.727 AC), H.O.A AREAS (8.979 AC) AND RESIDUAL TRACT (16.474 AC) PROPERTY OF CENTEX HOMES LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA."

Prepared and executed by HLA, Inc. dated August 29, 2016,
revised on _____, and recorded on _____ in Plat
Book _____ at Page _____ in the RMC Office for Charleston, South Carolina (herein the "Plat").
A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM WATER DRAINAGE EASEMENTS having such size, shape, location, and butting and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive and Permanent Storm Water Drainage Easements for purposes of periodic inspection, maintenance, repair and replacement of the Storm Water System. These Exclusive and Permanent Storm Water Drainage Easements shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owner for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of these Exclusive and Permanent Storm Water Drainage Easements during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against Owner and its heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

WITNESSES:

CITY OF CHARLESTON

Witness #1

By: Laura Cabiness
Its: Public Service Director

Witness #2

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by _____, the _____ of the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina, on _____.

Signature: _____

Print Name of Notary: _____

Notary Public for _____

My Commission Expires: _____

SEAL OF NOTARY

WITNESSES:

OWNER: CENTEX HOMES, a Nevada general partnership

Witness #1

Name: Matthew Raines
Its: Division Vice President

Witness #2

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me (the undersigned notary) by Matthew Raines, the Division Vice President of CENTEX HOMES, a Nevada general partnership, on behalf of the Owner on _____.

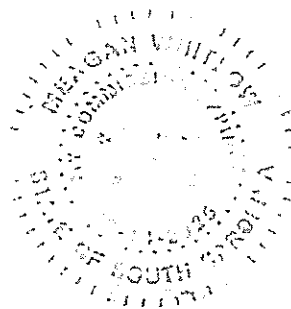
Signature: Meagan Whitlow

Print Name of Notary: Meagan Whitlow

Notary Public for South Carolina

My Commission Expires: 09-14-2025

SEAL OF NOTARY



J3(b)



CITY OF CHARLESTON
Department of Public Service
Engineering Division
2 George Street, Suite 2100
Charleston, SC 29401



ENCROACHMENT AGREEMENT REQUEST

Property Owner/Renter: Nemo, LLC

Mailing Address: 186 Seven Farms Drive, F#399

Email: chad.colman@amplifysc.net

City/State/Zip: Daniel Island, SC 29492

Telephone: 843-284-1175

Work: 843-284-1175




Cell: 843-284-1175

Contractor: TBD

Contact/Number/Email Giles Branch/843-881-0525/branchgn@earthsourceeng.com

DESCRIBE ENCROACHMENT

1. Description of encroachment: Permanent encroachment for roof overhangs, canopies, handrails, signage band
2. Method for securing: See exhibits
3. Property description and address where encroachment is requesting to be placed (**Exhibit A**):
880 Island Park Drive, TMS# 275-00-00-157
4. Drawing/sketches (to scale, submitted on 8.5"x11" sheets, multiple sheets if necessary) (**Exhibit B**) to include:
 - a. Plan view including the following if applicable: width of sidewalk; location of encroachments; location of any easements; any existing street fixtures; road width; driveway or sidewalk location; sprinkler head locations; and fence and gate locations. Utilize approved symbols for locations in blue or black ink. All other symbols should be defined in a key. Do not use highlighters.
 - b. Submittals for driveway encroachments are only applicable when non-standard materials are used in the right-of-way. Submittals for sidewalk encroachments are only applicable for any privately constructed, non-dedicated sidewalk in the right-of-way.
 - c. Elevation view (to scale)
 - d. Photograph
5. Business License, if applicable
6. B.A.R. approval, if applicable
7. Zoning approval, if applicable
8. Complete and execute Encroachment Agreement form. The form must be typed. Signatures in blue ink.
9. Two witnesses for signature and a notary on the completed Encroachment Agreement form, signed in blue ink.
10. Provide processing fee of \$25.00. Checks shall be made payable to the City of Charleston.
11. Provide recordation fee of \$5.00 per sheet if applicable, upon submission of application. Checks shall be made payable to the Register Mesne Conveyance for <county> County.

 Fence
 Sprinkler Head
 Gate

RECEIVED BY PUBLIC SERVICES: M. Hedeon

DATE: 12/21/16

*Note: Only complete applications will be accepted. All other applications will be returned. Any photocopies, facsimile, illegible, or incomplete applications and/or agreements **will not** be accepted.*

Applicant will be notified after the Public Works and Utilities Committee or Public Service Review meeting where a decision will be made with respect to the grantee's completed application.



CITY OF CHARLESTON

Department of Public Service
Engineering Division
2 George Street, Suite 2100
Charleston, SC 29401

ENCROACHMENT AGREEMENT REQUEST

Property Owner/Renter: Nemo, LLC

Mailing Address: 186 Seven Farms Drive, F#399

Email: chad.colman@amplifysc.net

City/State/Zip: Daniel Island, SC 29492

Telephone: 843-284-1175

Work: 843-284-1175

Cell: 843-284-1175

Contractor: TBD

Contact/Number/Email Giles Branch/843-881-0525/branchgn@earthsourceeng.com

DESCRIBE ENCROACHMENT

1. Description of encroachment: Permanent encroachment for roof overhangs, canopies, handrails, signage band
2. Method for securing: See exhibits
3. Property description and address where encroachment is requesting to be placed (**Exhibit A**):
880 Island Park Drive, TMS# 275-00-00-157
4. Drawing/sketches (**to scale, submitted on 8.5"x11" sheets, multiple sheets if necessary**) (**Exhibit B**) to include:
 - a. Plan view including the following if applicable: width of sidewalk; location of encroachments; location of any easements; any existing street fixtures; road width; driveway or sidewalk location; sprinkler head locations; and fence and gate locations. Utilize approved symbols for locations in blue or black ink. All other symbols should be defined in a key. Do not use highlighters.
 - b. Submittals for driveway encroachments are only applicable when non-standard materials are used in the right-of-way. Submittals for sidewalk encroachments are only applicable for any privately constructed, non-dedicated sidewalk in the right-of-way.
 - c. Elevation view (**to scale**)
 - d. Photograph
5. Business License, if applicable
6. B.A.R. approval, if applicable
7. Zoning approval, if applicable
8. Complete and execute Encroachment Agreement form. The form must be typed. Signatures in blue ink.
9. Two witnesses for signature and a notary on the completed Encroachment Agreement form, signed in blue ink.
10. Provide processing fee of \$25.00. Checks shall be made payable to the City of Charleston.
11. Provide recordation fee of \$5.00 per sheet if applicable, upon submission of application. Checks shall be made payable to the Register Mesne Conveyance for <county> County.



Fence



Sprinkler Head



Gate

RECEIVED BY PUBLIC SERVICES: _____ DATE: _____

*Note: Only complete applications will be accepted. All other applications will be returned. Any photocopies, facsimile, illegible, or incomplete applications and/or agreements **will not** be accepted.*

Applicant will be notified after the Public Works and Utilities Committee or Public Service Review meeting where a decision will be made with respect to the grantee's completed application.

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

TEMPORARY / PERMANENT
ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT ("Agreement") is made in the County and City of Charleston, SC, on 21 day of December, 2016 by and between **The City of Charleston**, a South Carolina Municipal Corporation (hereinafter referred to as "City") and Nemo, LLC (hereinafter referred to as "Grantee").

Whereas, the City is the owner of the property, sidewalk, or right-of-way located at (property address) 880 Island Park Drive Daniel Island, SC 29492 in the City of Charleston, South Carolina ("Property"), and is more fully shown on Exhibit A, attached hereto and incorporated by reference herein; and

Whereas, Grantee desires to install/construct a (Describe Encroachment) TMS #: 275-00-00-157
Proposed permanent encroachment in the Central Island Street R/W and Island Park R/W. Encroachment includes a
roof canopy overhang into the R/W, roof overhangs, handrails, signage band. ("Encroachment"); and

Whereas, Grantee desires to install/construct the Encroachments on the City's Property as shown on Exhibit B ("Encroachment Area") which is attached hereto and incorporated by reference herein; and

Whereas, the City is willing to permit the aforementioned Encroachment strictly in accordance with the terms and conditions herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties hereto agree as follows:

1. The aforesaid recitals are incorporated herein verbatim.
2. **No Interest in Encroachment Area.** The Grantee shall not acquire any right, title, or interest in or to the City's Property as fully described and depicted in Exhibit A or the portion thereof affected by this Agreement. Grantee understands and agrees that the Encroachment is for a permissive use only and that the placing of the Encroachment shall not operate to create or vest any property rights in Grantee.
3. **Access.** The City shall have free and complete access to the Property for maintenance and repair of the Property, and the Grantee shall hold harmless the City for any damage that may be done to the Encroachment by the City during maintenance and repair of the Property.
4. **Maintenance of Encroachment.** The Grantee shall maintain the Encroachment in a good and safe condition as long as the Encroachment remains on the Property. Further, the Grantee understands and acknowledges that should the Grantee damage and/or disturb the Property and/or the Encroachment, the Grantee shall be solely responsible for repairing the destroyed/disturbed Property and the Encroachment to the City's satisfaction.
 - a. ☐ If this box is checked by the City, a general liability insurance policy with combined single liability limits for personal injury or death and property damage in the amount of \$1,000,000.00 per occurrence shall be required by the Grantee naming the City as an additional insured. Grantee agrees to provide proof of such policy to the City prior to the installation of the Encroachment.
5. **Indemnification.** Grantee shall indemnify, defend, and hold harmless the City against any and all claims or suits for damages or injury arising from Grantee's Encroachment or use of the Encroachment or from any activity, work, or act done, permitted, or suffered by Grantee in or about the Encroachment, and shall further indemnify, defend, and hold harmless the City against and from any and all claims or suits arising from any breach or default of any performance of any obligation of Grantee hereunder, and against and from all costs, attorney's fees, expenses, and liabilities related to any claim or any action or proceeding brought within the scope of this indemnification.
6. **Assignment.** Grantee shall not assign this Agreement without the prior written consent of the City.
7. **Successors and Assigns.** This Agreement shall be binding upon the Grantee, its successors, and assigns.
8. **Removal of Encroachment.** Any unlawful encroachments existing in the public right-of-way shall be subject to removal and the owner shall be responsible for labor and costs associated with such removal. Any encroachments existing in the public right-of-way shall be removed upon twenty-four (24) hours notice given by the Department of Public Service when such removal is necessary to repair or improve the right-of-way. If it is necessary to remove the encroachment(s), the owner shall be responsible for labor and costs associated with removal and reinstallation. In the event that the City Police, Fire, Public Service or Traffic and Transportation departments determine that the location of an encroachment constitutes an immediate physical danger to life, safety, or health, the encroachment may be removed immediately without prior notice. If the city removes an encroachment, a notice of removal shall be sent to the owner as soon as practicable under the circumstances. Any abandoned encroachment shall

be subject to removal. For purposes hereof, "abandoned" shall mean the vacating of the premises by the encroachment's owner/applicant for a period of seven (7) consecutive days or more. Any costs incurred to the City in restoring the public right-of-way to the condition that existed prior to the encroachment shall be the responsibility of the encroachment owner/applicant.

9. **Notice.** All notices required herein shall be sent via First Class U.S. Mail with postage prepaid thereon to the parties as follows:

To City: Department of Public Service Engineering Division 2 George Street, Suite 2100 Charleston, South Carolina 29401	To Grantee: <u>Nemo, LLC-Chad Colman</u> <u>186 Seven Farms Drive, F#399</u> <u>Daniel Island, SC 29492</u> Location of Encroachment <u>880 Island Park Drive, TMS# 275-00-00-157</u>
---	---


Notices shall be deemed effectively served upon the deposit in the United States Mail.

10. **Applicable Law.** This Agreement, and the rights and obligations of the parties hereto, shall be construed and enforced in accordance with the municipal ordinances of the City of Charleston and the laws of the State of South Carolina.

11. **Entire Agreement.** This Agreement contains the entire agreement between the parties hereto. No promise, representation, warranty or covenant not included in this Agreement has been or is relied on by any party hereto.

IN WITNESS WHEREOF, both parties have caused this to be duly executed this Temporary / Encroachment Agreement as of the date first above written and agree to all provisions as stipulated above.

SIGNED AND DELIVERED IN THE PRESENCE OF: _____ Witnesses of the Mayor/Director of Public Services Department The foregoing instrument was acknowledged before me by its maker. _____ Signature of Notary	THE CITY OF CHARLESTON BY: _____ Mayor/Director of Public Services Department _____ Commission Expires
--	---

SIGNED AND DELIVERED IN THE PRESENCE OF: <u>Caitlin [Signature]</u> <u>William Fishburne</u> Witnesses of Grantee's Signature The foregoing instrument was acknowledged before me by its maker. <u>Claire Silwanowicz</u> Signature of Notary	THE GRANTEE BY: <u>Chad [Signature]</u> Managing Director Grantee <u>Chad S. Colman</u> Printed Name <u>August 27, 2025</u> Commission Expires 
--	--

Committee on Public Works Decision

☐ Approved

☐ Disapproved

Date

Conditions and/or Restrictions are described on the sheet labeled "Encroachment Inspection Review" or "Encroachment Checklist". Please refer to that for Maintenance Requirements and Construction Standards. Additional Conditions: _____

Exhibit A

proj: DI Square – Phase 1
re: Encroachment Permit Submittal
date: November 28, 2016
comm: 1613.00



Property Description and Address Where Encroachment is Requesting to be Placed

Project Information:

Project / Site Name: Daniel Island Square - Phase I
Location: 880 Island Park Drive
Daniel Island, SC 29492
T.M.S.#: 275-00-00-157
Latitude: 32° 51' 46.51"
Longitude: 79° 54' 25.41"

Project Description:

This project is new construction of a four-story building, including a restaurant on the first floor with 3 floors of office space above. New sidewalks will be placed along Island Park Drive (south of the building) and Central Island Street (east of the building). A new parking lot will be constructed north of the building, and a new paved courtyard will be constructed to the west to provide outdoor patio seating for the restaurant.

Existing Adjacent Property

North Border: Commercial Development
East Border: Central Island Street
South Border: Island Park Drive
West Border: Commercial Development

Refer to Exhibit B for explanation of requested encroachments.
Refer to Exhibits C, D, E, & F for diagrams of plans & elevations to illustrate encroachment locations.

Exhibit B

proj: DI Square – Phase 1
re: Encroachment Permit Submittal
date: December 9, 2016
comm: 1613.00



This document (Exhibit B) is provided to supplement the Encroachment Permit application. Below is a list of the requested encroachments (1-4) and a description of the encroachments shown on each of the attached exhibits (Exhibits C, D, E, and F).

The requested permanent encroachments are as follows:

1. Edge of High Roof extends beyond East property line by 2'-4" max
2. Edge of Canopy extends beyond East property line by 1'-10" max
3. Signage Band extends beyond South property line by 5'-0" max
4. Handrails extend beyond East and South property line by 1'-0" max

Exhibit C

Plan Diagram for Permanent Encroachments, including Signage, Canopy & Roof

- a. Edge of High Roof extends beyond East property line
- b. Edge of Canopy extends beyond East property line
- c. Signage Band extends beyond South property line

Exhibit D

Plan Diagram for Permanent Encroachments, including Handrails

- a. Handrails extend beyond East property line
- b. Handrails extend beyond South property line

Exhibit E

East Elevation showing Permanent Encroachments

- a. Edge of High Roof extends beyond East property line
- b. Edge of Canopy extends beyond East property line
- c. Signage Band extends beyond South property line
- d. Handrails extend beyond East and South property lines

Exhibit F

South Elevation showing Permanent Encroachments

- a. Edge of High Roof extends beyond East property line
- b. Edge of Canopy extends beyond East property line
- c. Signage Band extends beyond South property line
- d. Handrails extend beyond East and South property lines

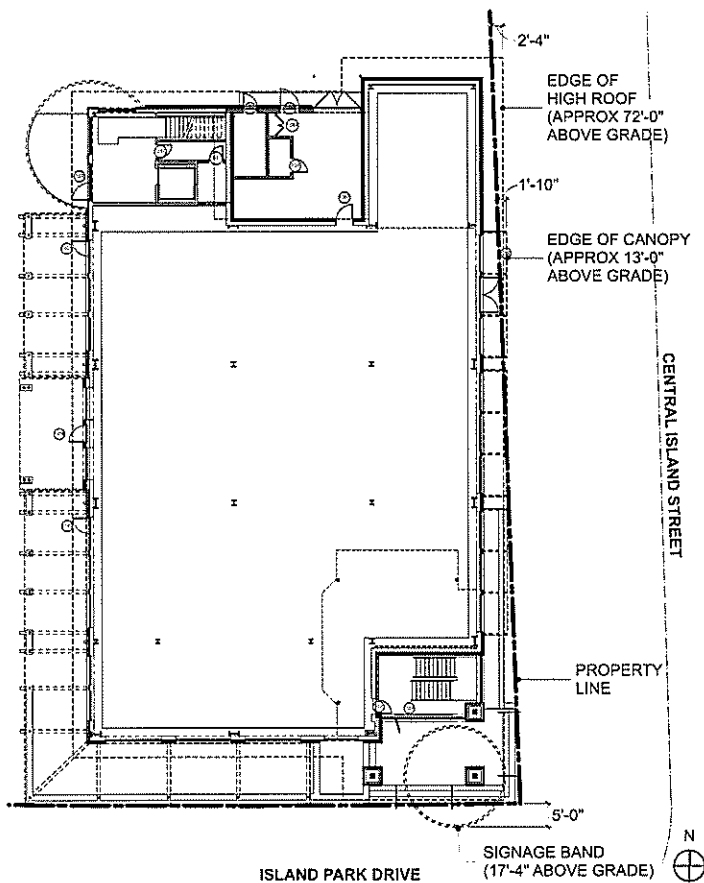


Exhibit C

Plan Diagram for Permanent Encroachments, including Signage, Canopy & Roof

- Edge of High Roof extends beyond East property line
- Edge of Canopy extends beyond East property line
- Signage Band extends beyond South property line



STUBBS MULROW HERMAN architects, inc.
400 Hibben Street • Mount Pleasant, SC • 29464
843.681.7642 • 843.684.5021 fax • www.smha.com

Daniel Island Square - Phase I
Job Number: 1613.00
Scale: 1" = 20'-0"

EXHIBIT C: PLAN DIAGRAM FOR SIGNAGE, CANOPY & ROOF ENCROACHMENT

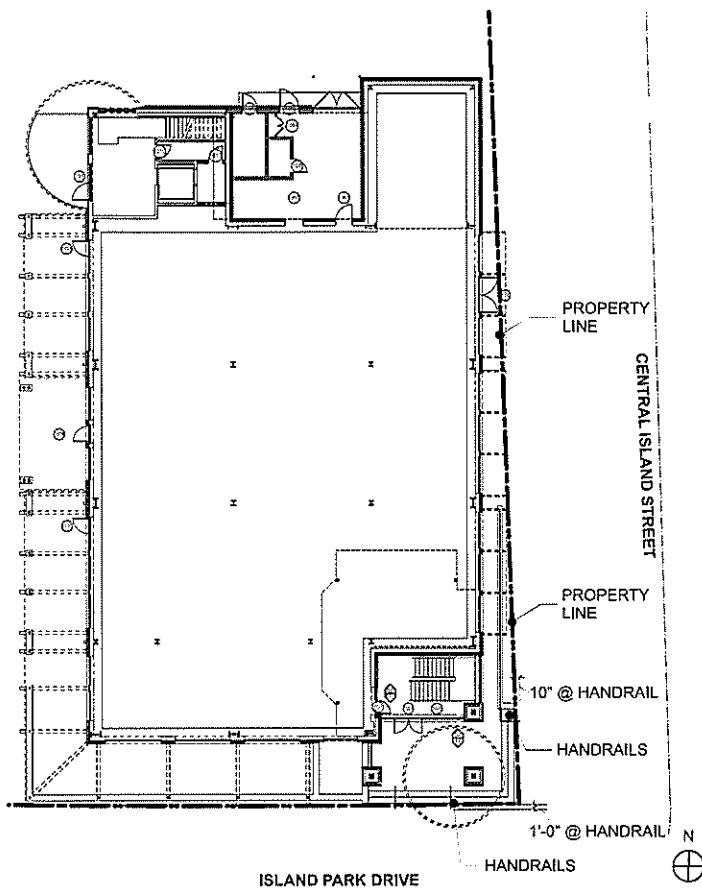


Exhibit D

Plan Diagram for Permanent Encroachments - Handrails

- Handrails extend beyond East property line
- Handrails extend beyond South property line



10000 MOUNTAIN VIEW DRIVE
400 Island Square • Mount Pleasant, SC • 29464
(843) 681-7642 • (843) 684-9021 fax • www.smh.com

Daniel Island Square - Phase I

Job Number: 1613.00

Scale: 1" = 20'-0"

EXHIBIT D: PLAN DIAGRAM FOR HANDRAIL ENCROACHMENT

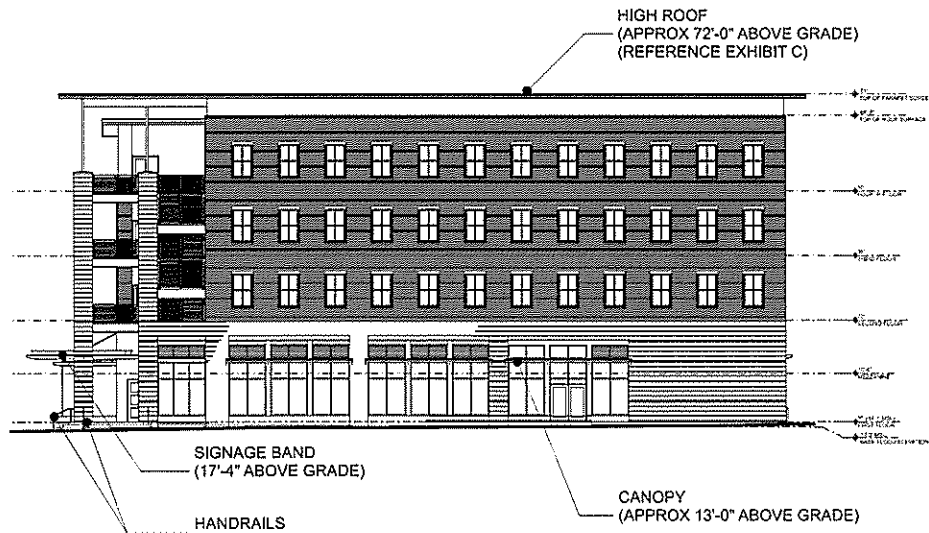


Exhibit E

East Elevation showing Permanent Encroachments

- Edge of High Roof extends beyond East property line
- Edge of Canopy extends beyond East property line
- Signage Band extends beyond South property line
- Handrails extend beyond East and South property lines



STUBBS MULDRUP HERITAGE architects, inc.
400 Hieber Street • Mount Pleasant, SC • 29464
843.681.7642 • 843.684.0021 fax • www.smha.com

Daniel Island Square - Phase I

Job Number: 1813.00

Scale: 1" = 20'-0"

EXHIBIT E: EAST ELEVATION (CENTRAL ISLAND STREET)

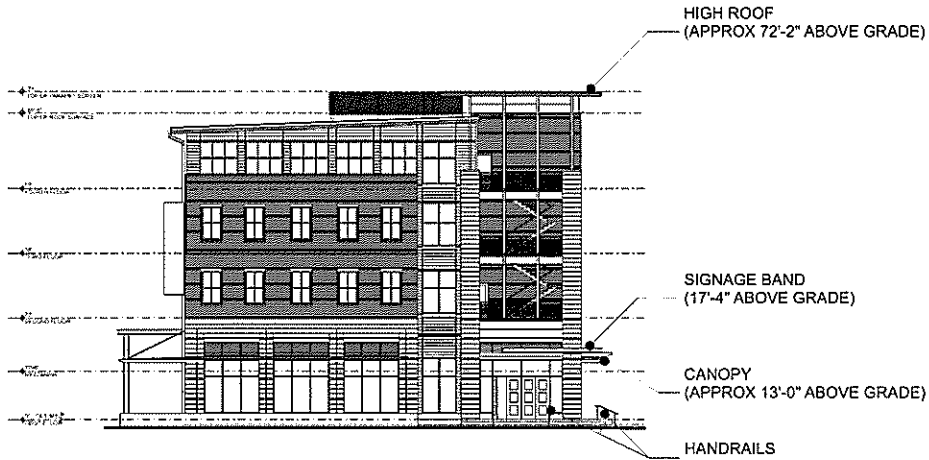


Exhibit F

South Elevation showing Permanent Encroachments

- Edge of High Roof extends beyond East property line
- Edge of Canopy extends beyond East property line
- Signage Band extends beyond South property line
- Handrails extend beyond East and South property lines



STUBBS MULROW HERM architects, inc.
400 Habben Street • Mount Pleasant, SC • 29464
843.981.7642 • 843.884.6021 fax • www.smha.com

Daniel Island Square - Phase I

Job Number: 1613.00

Scale: 1" = 20'-0"

Date: November 28, 2016

EXHIBIT F: SOUTH ELEVATION (ISLAND PARK DRIVE)



ENCROACHMENT INSPECTION REPORT

City of Charleston
Department of Public Service
Engineering
2 George St., Charleston, SC 29401
Phone (843) 724- 3782
Fax (843) 724-7198

Other fixtures not otherwise listed encroaching on the right-of-way or an easement (Revised 17/22/2015)

Authorization: Encroachments in General: Code of Ordinances of the City of Charleston-Chapter 28, Article III, Sections 36-55; Code of Ordinances of the City of Charleston-Chapter 27, Article I, Sections 1-39; Code of Ordinances of the City of Charleston-Chapter 27, Article II, Sections 85-98; Specific References - Stormwater Design Standards Manual - Open Channel Hydraulics - 3.7-9., Open Conveyances - 3.8.2

Encroachment Location: 880 Island Park Drive

Type of Encroachment: Bldg Roof Overhand

Type of Maintenance: none

Inspector: Hooper

Description/Comments/Recommendations:

Recommendation by Deputy Director Operations: _____

Recommendation by Stormwater Representative: _____

Recommend Approval as Submitted by Signature: _____

Recommend Denial (state reason) by Signature: _____

L1.)



Ratification
Number _____

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1648 FOLLY ROAD AND 1614 GRIMBALL ROAD EXTENSION (JAMES ISLAND) (1.86 ACRES) (TMS #427-00-00-022 AND 427-00-00-021) (COUNCIL DISTRICT 6), BE ZONED LIMITED BUSINESS (LB) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1648 Folly Road and 1614 Grimball Road Extension (James Island) (1.86 acres) (TMS #427-00-00-022 and 427-00-00-021)

Section 2. That the said parcel of land described above shall be zoned Limited Business (LB) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord _____, in the _____ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Vanessa Turner Maybank
Clerk of Council

Zoning

1648 Folly Rd & 1614 Grimball Road Extension
(James Island)

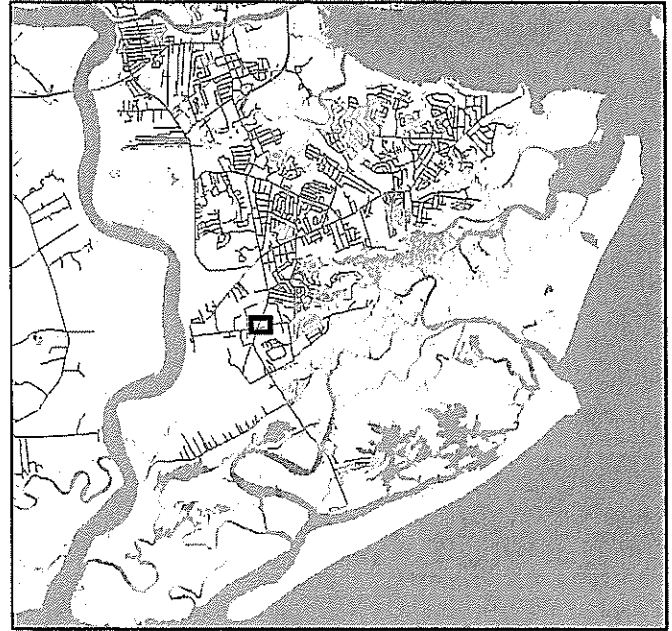
TMS# 4270000022 & 021

1.86 ac.

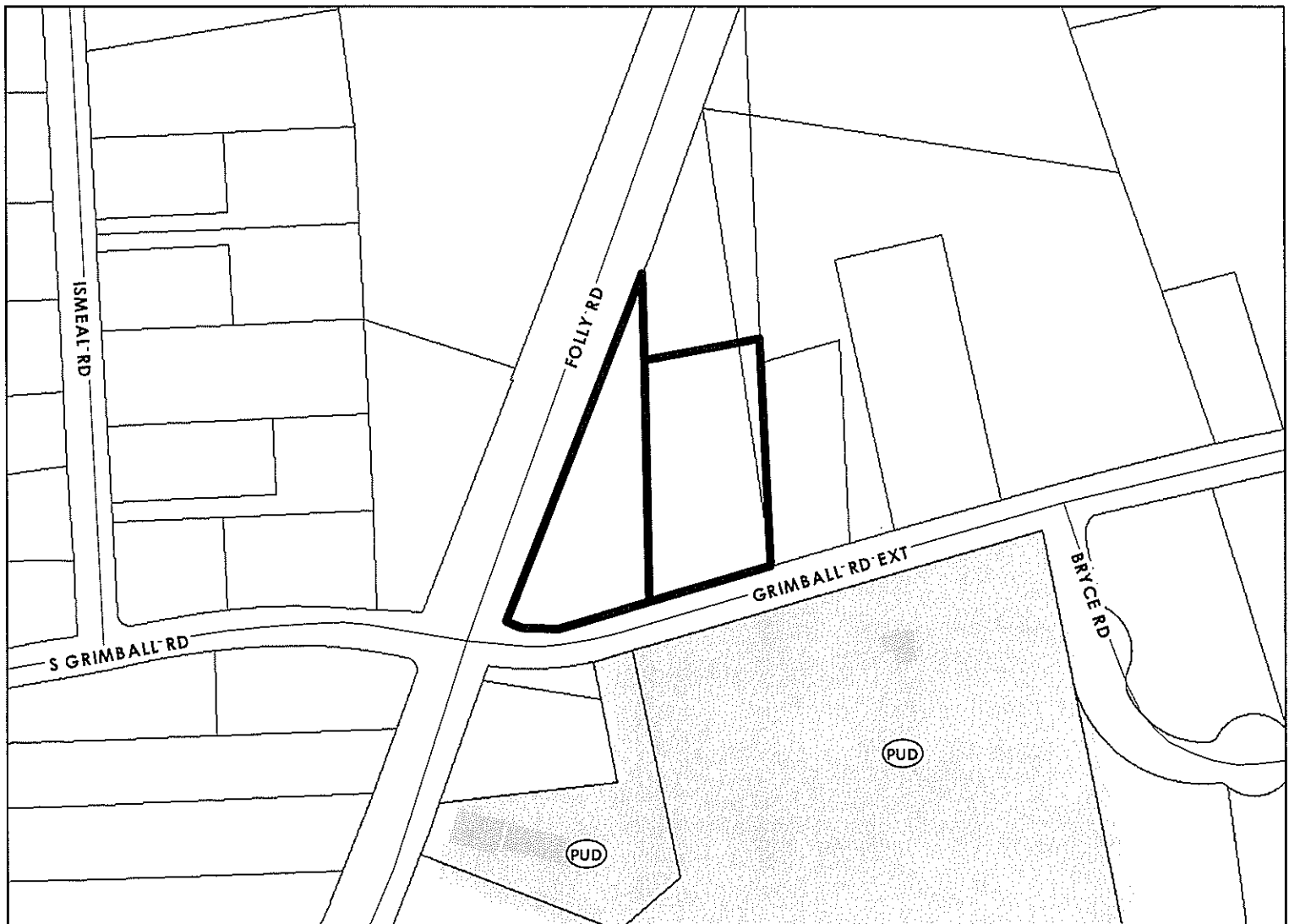
Request zoning of Limited Business (LB).
Zoned Folly Road Corridor Overlay (FRC-O;
Community Commercial and
Neighborhood Commercial Land Use
Recommendation) in Charleston County.

Owner: SCAN Assets LLC

Area



Location



42.)



Ratification
Number _____

AN ORDINANCE

TO AMEND CHAPTER 20, ARTICLE I, SECTION 20-4(a) OF THE CODE OF THE CITY OF CHARLESTON TO PROVIDE THAT CITY COUNCIL SHALL ELECT THE CHIEF JUDGE AND THE ADMINISTRATIVE JUDGE OF THE MUNICIPAL COURT TO SERVE FOR A TERM OF FOUR (4) YEARS OR UNTIL HIS OR HER SUCCESSOR IS ELECTED AND QUALIFIED; AND SHALL ELECT THE OTHER MUNICIPAL JUDGES TO SERVE FOR A TERM OF TWO (2) YEARS OR UNTIL HIS OR HER SUCCESSOR IS ELECTED AND QUALIFIED.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 20, Article I, Sec. 20-4(a), is hereby amended, as indicated in bold print, to read as follows:

“(a) The municipal court shall be presided over by the chief judge of the municipal court and such associate judges as provided for in the annual budget of the city council, **one who shall serve as the administrative judge as described in Sec. 20-4(b). The chief judge and the administrative judge shall be elected by the city council and shall serve for a term of four (4) years or until his or her successor is elected and qualified. The other municipal judges shall be elected by the city council and shall serve for a term of two (2) years or until his or her successor is elected and qualified.**

Section 2. This Ordinance shall become effective upon ratification.

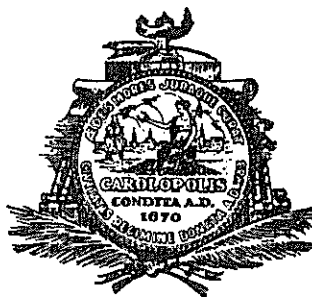
Ratified in City Council this _____ day of _____
In the Year of Our Lord, 2017, in
the ____ Year of the Independence of the
United States of America.

John J. Tecklenburg, Mayor

ATTEST:

Vanessa Turner Maybank, Clerk of Council

L3)



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE CODE OF THE CITY OF CHARLESTON BY REPEALING SEC. 2-152 AND SUBSTITUTING IN ITS PLACE AND STEAD A NEW SEC. 2-152 SO AS TO ESTABLISH THE COMMENCEMENT DATE OF TERMS AND STAGGERED TERMS FOR VARIOUS BOARDS AND COMMISSIONS IN THE CITY.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARELSTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Code of the City of Charleston is hereby amended by repealing Sec. 2-152 thereof in its entirety and substituting in its place and stead a new Sec. 2-152 to read as follows:

Sec. 2-152. Term of Office; Staggered Terms.

a. Findings. City Council finds that there are a number of City boards and commissions that have vacancies that may need to be filled or that have members serving in a hold-over capacity who may need to be reappointed or replaced. City Council finds that it is in the public interest for the terms of members of boards and commissions in the City that are in excess of one year to be staggered so there remains a sense of continuity and experience as members of boards and commissions roll off and new members are appointed. The purpose of this Ordinance is to establish a commencement date of terms of boards and commissions and to stagger the terms of the members of those boards and commissions whose members have terms in excess of one year, where such does not now occur.

b. Terms of boards and commissions shall commence on March 1 of a given year.

c. On the following boards and commissions, appointments made between December 20, 2016 and February 28, 2017, one-half of the members (or one-half, plus one when the number of members is odd) so appointed shall serve for two years, and the other one-half shall serve out the term of the member being replaced or in which a vacancy exists, as determined by City Council, to wit:

- Berkeley –Charleston- Dorchester (BCD) Council of Government
- Bicycle and Pedestrian Advisory Committee
- Charleston Regional Development Alliance
- Half-Cents Sales Tax Citizens Committee
- Jury Commission

Minority Business Enterprise Advisory Board
Sustainability Advisory Board

Thereafter, all members appointed shall serve two year terms, or until their successors are appointed.

d. On the following boards and commissions, appointments made between December 20, 2016 and February 28, 2017, one-third of the members (or one-third of the members, plus one, or when the number of members is not divisible by three) so appointed shall serve for three years, and one third of the members so appointed shall serve out the term of the member being replaced or in which a vacancy exists for two years, and one third of the members so appointed or in which a vacancy exists shall serve for one year, as determined by City Council, to wit:

Charleston Regional Transportation Authority Board
Commission for Women
Commission on Disability Issues
Planning Commission
City of Charleston Tourism Commission
Town and Gown Committee

Thereafter, all members shall serve three year terms, or until their successors are appointed.

e. On the following boards and commissions, appointments made between December 20, 2016 and February 28, 2017, one-half of the members (or one-half, plus one when the number of members is odd) so appointed shall serve for four years, and the other one-half shall serve out the term of the member being replaced or in which a vacancy exists for a period of two years, as determined by City Council, to wit:

Charleston Aviation Authority
Charleston Museum Board of Trustees
Design Review Board
Fire Department One Percent Committee

Thereafter, all members shall serve four year terms, or until their successors are appointed.

f. On the following boards and commissions, appointments made between December 20, 2016 and February 28, 2017, one-half of the members (or one-half, plus one when the number of members is odd) so appointed shall serve for five years, and the other one-half shall serve out the term of the member being replaced or in which a vacancy exists for a period of two years, as determined by City Council, to wit:

Housing Authority of the City of Charleston

Thereafter, all members appointed shall serve five year terms, or until their successors are appointed.

g. On the following boards and commissions, appointments made between December 20, 2016 and February 28, 2017, one-third of the members so appointed shall serve for six years, and one

third of the members so appointed shall serve out the term of the member being replaced or in which a vacancy exists for four years, and one third of the members so appointed shall serve out the term of the member being replaced or in which a vacancy exists shall serve for two years, as determined by City Council, to wit:

Municipal Election Commission

Thereafter, all members appointed shall serve terms of six years, or until their successors are appointed.

h. The terms and appointment of members of the Board of Architectural Review – Large and Board of Architectural Review- Small shall be in accordance with the provisions of Sec. 54- 233 of the Zoning Ordinance and the terms and appointments of municipal judges shall be in accordance Sec. 20-4 of the Code of the City of Charleston

i. On the following boards and commissions, for appointments made between December 20, 2016 and February 28, 2017, two members so appointed shall serve for a term of three years, two members so appointed shall serve for a term of two years, and one member shall serve for a term on one year, as determined by City Council, to wit:

Board of Zoning Appeals – Site Design

Board of Zoning Appeals - Zoning

Thereafter, all members appointed shall serve terms of three years, or until their successors are appointed.

j. On the following boards and commissions, for appointments made between December 20, 2016 and February 28, 2017, one member shall so appointed shall serve for five years, one member so appointed shall serve out the term of the member being replaced or for which there is a vacancy for four years, one member so appointed shall serve out the term of the member being replaced or for which there is a vacancy for three years, one member so appointed shall serve out the term of the member being replaced or for which there is a vacancy for a period of two years, and one member so appointed shall serve out the term of the member being replaced or for which there is a vacancy for a period of one year, as determined by City Council, to wit:

Building Code Board of Appeals

Thereafter, all members appointed shall serve terms of five years, or until their successors are appointed.

k. On the following boards and commissions, members appointed between December 20, 2016 and February 28, 2017 shall serve for terms of one year, and continue until their successors are appointed:

Accommodations Tax Advisory Committee

Carolina Art Association Board

Charleston Area Conventions & Visitors Bureau Board of Governors

Colonial Common & Ashley River Embankment

Mayor's Commission of Children, Youth & Families

Community Development Advisory Committee
Homeownership Initiative Committee
Marion Square Commission
Municipal Golf Commission
Redevelopment and Preservation Commission

k. Any member of a board or commission appointed prior to December 20, 2016 shall be deemed to fill the term of a member who had resigned or who was serving as a hold over, and the term of such appointed member be extended until March 1, 2017, or until his or her successor is appointed, whichever occurs later.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_____ in the Year of Our Lord, 2017,
and in the _____th Year of the Independence of
the United States of America.

John J. Tecklenburg, Mayor

ATTEST:

Vanessa Turner Maybank
Clerk of Council

L4.)



Ratification
Number _____

AN ORDINANCE

TO AMEND PROVISIONS OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) PERTAINING TO ARTICLE 2, PART 15 – MIXED USE 1 - WORKFORCE HOUSING DISTRICT AND MIXED USE 2 - WORKFORCE HOUSING DISTRICT.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 2, Part 15 – Mixed Use 1 – Workforce Housing District and Mixed Use 2 – Workforce Housing District of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~strikethrough~~):

PART 15 - MIXED USE 1 - WORKFORCE HOUSING DISTRICT MIXED USE 2 -
WORKFORCE HOUSING DISTRICT

Sec. 54-297. - Findings.

City Council finds that its urban areas have traditionally included mixed use developments that incorporate housing opportunities for persons of varying means and incomes, along with complementary nonresidential uses. City Council finds that these mixed use developments have contributed significantly to the economic success and unique fabric of its urban environment by enhancing diversity and providing job opportunities, and that it is in the public interest that incentive-driven districts be established to encourage the continued development of mixed use projects.

Sec. 54-298. - Purpose.

These districts are intended to promote a mixture of housing opportunities within a single development, along with appropriate nonresidential uses, by providing incentives for the creation of such developments in urban areas of the city where on street parking or other public parking is customary and can be reasonably accommodated.

Sec. 54-299. - Availability.

The MU-1/WH and MU-2/WH districts, being incentive based, are only available to property owners who apply for the district designation.

Sec. 54-299.1. - Definitions.

For the purpose of this part, the following terms mean:

- a. Owner occupied workforce housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- b. Rental workforce housing unit: A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- c. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units, and a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- d. Initial maximum allowable sales price: An amount equal to three (3) times one hundred twenty (120%) percent of the area median income (AMI), as determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors, plus any subsidy available to the buyer.
- e. ~~Fair~~Affordable market rent: ~~An amount calculated and~~ An annual amount equal to thirty (30%) percent of eighty (80%) of Area Median Income (AMI), as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors. Affordable rent for efficiency/studio units is the High HOME rents as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors. ~~(eighty (80%) percent of area median income (AMI)).~~ In the absence of such information, the rents charged by the owner shall not exceed thirty (30%) percent of the annual household income.
- f. Household income: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, and awards, prizes, government

or institutional or eleemosynary loans, grants or subsidies and contributions made by the Household members' families for medical, personal or educational needs.

Sec. 54-299.2. - Land uses.

The permitted land uses in these districts are those listed under Article 2, Part 3, Table of Permitted Land Uses, in the column headings having the applicable district designation to wit: MU-1/WH or MU-2/WH, modified as follows:

- a. Every development in the MU-1/WH or MU-2/WH zoning district that has five (5) or more residential units must include owner occupied workforce housing units and/or rental workforce housing units. Every development in the MU-1/WH or MU-2/WH zoning district that has less than five (5) units must include at least one (1) owner occupied or rental workforce housing unit or nonresidential use(s) that face the street on the ground level in accordance with the provisions of subsection b.
- b. The number of owner occupied workforce housing units and/or rental workforce housing units per development shall be the greater of: (1) one (1) unit; or (2) ~~fifteen (15)~~ twenty (20%) percent of the number of residential units in the development, rounded up to the next whole number, whichever is greater. The workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest workforce housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The workforce housing units shall be integrated and intermixed within the market rate units in a development and not clustered together or segregated from the market rate units. Developments that contain multiple buildings shall incorporate in each building workforce housing units comparable and in proportion, square footage and bedroom wise, to the number of market rate units in the building. Exterior finishes of workforce housing units shall be the same type and quality as the development's market rate units.

Developments that do not include owner occupied and/or rental workforce housing units must dedicate the greater of: (1) fifty (50%) percent of the square footage of the ground level or one thousand five hundred (1,500) square feet for nonresidential uses. Nonresidential uses in the MU-1/WH district are the nonresidential uses allowable in the Limited Business (LB) district, and nonresidential uses in the MU-2/WH district are the nonresidential uses allowable in the General Business (GB) district.

- c. Fee payment in lieu of units (rental units only): In lieu of providing on site rental workforce housing units, a developer may choose to contribute a fee, on a per unit basis, to the City's Affordable/Workforce Housing Account for any or all of the number of workforce housing units required for the development. The sizes of the units satisfied by payment of a fee, in terms of square footage and number of bedrooms, shall be proportionate to the sizes, in terms of square footage and number of bedrooms, of units in the overall development.

The fee, per unit, shall be a sum equal to the difference between market rent (calculated on a monthly basis) and affordable rent (calculated on a monthly basis) as defined in Sec. 54-299.1 and based on the number of bedrooms per unit,

multiplied by 300, plus an administrative fee as set, from time to time, by City Council.

The market rent of each unit shall be determined by a licensed residential appraiser selected by the City and paid for by the developer. In its sole discretion, the City may require the developer to produce the pro forma or the documented anticipated revenue stream of the development submitted to the developer's lender that indicates the anticipated market rent of each unit.

Fees shall be calculated at the time of building permit application, and paid in full prior to the issuance of a building permit for any part of the development.

ed. Prior to receiving a building permit for any portion of a development, the owner thereof shall provide, in writing, to the satisfaction of the City of Charleston Department of Housing and Community Development, or its successor, information identifying the total number of one bedroom units, two bedroom units, etc., and the respective square footages of the same, the total number of one bedroom workforce housing units, two bedroom workforce housing units, etc., and the respective square footages of the same, and the location of the workforce housing units in the development. Prior to the issuance of a certificate of occupancy for any portion of a development, the owner thereof shall identify, in writing, to the City of Charleston Department of Housing and Community Development, or its successor, the units designated as owner occupied workforce housing units and/or rental workforce housing units.

de. i. Prior to the issuance of a certificate of occupancy for any portion of a development, the owner shall execute covenants satisfactory to the City that identifies the owner occupied workforce housing units and/or rental workforce housing units and which restricting such units to occupancy, and if applicable ownership, by qualified households for a period of no less than ~~ten (10)~~ twenty-five (25) years, and submit a copy of the recorded covenants to the City of Charleston Department of Housing and Community Development, or its successor.

ii. As for the owner occupied workforce housing units, the covenants shall identify the initial maximum allowable sales price, and provide that the initial maximum allowable sales price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, a verified income report of household income of all members of the household. The covenants shall require notice to the City of Charleston Department of Housing and Community Development, or its successor, of any transfer of the owner occupied workforce housing units and verification that the purchaser is a qualified household. Owner occupied workforce housing units shall be subject to resale restrictions for no fewer than ~~ten (10)~~ twenty-five (25) years from date of initial sale of the property. Such restrictions will be recorded as deed restrictions.

iii. As for rental workforce housing units, the covenants shall require the owner to provide proof to the City of Charleston Department of Housing and Community Development, or its successor, at inception of every tenancy, and on an annual basis thereafter, that no more than fair affordable market rent is being charged for the unit(s), and verified income reports of household income of all ~~rental~~ occupants of

rental workforce housing units. Rental workforce housing units shall be subject to these restrictions for no fewer than ~~ten (10)~~ twenty-five (25) years from the initial occupancy as workforce housing.

iv. The covenants for rental workforce housing units shall provide:

If a workforce housing unit is converted from rental occupied to owner occupied occupancy during the term of the rental workforce housing covenants, the unit shall be subject to the owner occupied workforce housing unit requirements as set out in subsection d (ii) (to include an Initial Maximum Sales Price) for a term of months equal to the number resulting when subtracting from 300 months the number of months the unit has been subject to rental workforce housing covenants.

Conversion of a workforce housing unit from owner occupied to renter occupied occupancy shall not be permitted.

Covenants shall require written notice to the City prior to any conversion taking place.

- ef.** The covenants shall accord the City of Charleston, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy, and in all events be subject to approval by corporation counsel.
- g.** **If the development is to be phased, each phase shall include workforce housing units concurrently with the market rate units in the particular phase. A phasing plan that brings the workforce housing units on line at the end or build out is not permitted.**
- h.** **The upkeep of rental workforce housing units shall be of the same quality as the upkeep of the other market rate rental units of the development.**

Sec. 54-299.3. - Parking and loading.

Parking requirements for an owner occupied workforce housing unit or rental workforce housing unit shall be one (1) space per two units.

Parking requirements for an owner occupied market rate housing unit or rental housing unit shall be one (1) space per unit.

Parking requirements for nonresidential uses in developments shall be governed by the parking provisions of Article 3, Part 4, Off-Street Parking Requirements; provided however, there shall be no off-street parking requirements for nonresidential uses in developments for the first five thousand (5,000) square feet of area dedicated for nonresidential uses, not including restaurants and bars which shall follow the parking requirements of Article 3, Part 4, and further provided that the off-street parking requirement for office uses shall be one (1) space per 600 square feet (excluding halls, stairwells, storage/elevator shafts and bathrooms). There are no off-street loading requirements for nonresidential uses.

Sec. 54-299.4. - Height, area and setback regulations.

The height, area and setback regulations for the MU-1/WH and MU-2/WH districts are listed under Article 3, Part 1, Table 3.1: Height, Area and Setback Regulations.

Sec. 54-299.5. - Affordable/Workforce Housing Account.

There is hereby created a City of Charleston Affordable/Workforce Housing Account. Fees contributed to the account per Sec. 54-299.2(c), along with all interest earnings, shall be used solely for the purpose of creating and/or improving workforce and/or affordable housing, including but not limited to improving or redeveloping existing housing stock, the acquisition of land, costs and fees for design and construction of affordable housing, and loans or grants to affordable housing providers. The terms of any assistance shall be developed by the City of Charleston Department of Housing and Community Development, or its successor, and approved by City Council.

Sec. 54-299.6. - Existing MU-1/WH and MU-2/WH classifications.

Properties with the zoning classification of MU-1/WH and MU-2/WH or which have applied for such classification, as of January 10, 2017, shall be governed by the provisions of this Article except as follows:

- a. **Sec. 54-299.2 (b): First paragraph: the number of owner occupied workforce housing units, and/or rental workforce housing units, shall be no less than fifteen (15%) percent of the number of units in the development, rounded up to the next whole number.**
- b. **Sec. 54-299.2 (c): Fee payment in lieu of units is optional, provided a certificate of occupancy has not been issued for the development or applicable phase, if the development is phased.**
- c. **Sec. 54-299.2 (e) (i)-(iii): The term of affordability shall be no less than ten (10) years.**

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord, 2017,
and in the ____th Year of the Independence of
the United States of America

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council